

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EARL COLLINS,

Plaintiff,

v.

Case No. 06-12382

GARY DIAZ,

HONORABLE AVERN COHN

Defendant.

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ORDER REGARDING STATEMENT OF DAMAGES

This is a civil rights case under 42 U.S.C. § 1983. Plaintiff Earl Collins (Collins), proceeding pro se, claims that Defendant Gary Diaz (Diaz), a City of Detroit police sergeant, violated his constitutional rights by using excessive force while in police custody following his arrest. On October 29, 2010, the Court entered a default judgment against Diaz due to Diaz's willful failure to comply with Collins' discovery requests. (Doc. 84). The Court further ordered Collins to submit a statement in support of his calculation of damages within thirty (30) days. (Doc. 84).

On November 12, 2010, Collins filed a paper in response to the Court's order, in which he asked for \$5,000,000.00 in damages. (Doc. 91). However, the filing did not provide a supporting statement or calculation justifying the amount. On November 29, 2010, Collins filed a motion styled "Motion Requesting Declaratory Judgment Based on Defendant's Claims and All Motions." (Doc. 93). From what the Court can glean, Collins

is asking the Court for relief in the form of a declaratory judgment as to his requested damages. (Doc. 93).

Collins' filings are non-responsive and outside the parameters of the Court's order. Moreover, without an itemization of Collins' damages, the Court is unable to make a determination as to a reasonable award amount. See Fed. R. Civ. P. 55(b). Accordingly, Collins shall submit an itemized list justifying his calculation of damages within thirty (30) days. Failure to comply with this order will result in a dismissal of the case.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: December 2, 2010

I hereby certify that a copy of the foregoing document was mailed to Earland Collins 475522, St. Louis Correctional Facility, 8585 N. Croswell Road, St. Louis, MI 48880 the attorneys of record on this date, December 2, 2010, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160